

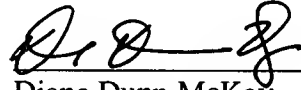
REMARKS

The office action dated October 27, 2000 has been carefully considered. Claims 2, 5, 7-9, 11, 13, and 15 have been amended. Claims 17-20 have been added. Claims 1, 4, 10, 11, 12 and 16 have been cancelled. Claims 2, 3, 5-9, 13, 14, 15, and 17-20 are in this application. Claims 4, 10, 11 and 16 were allowable if rewritten in independent form. Claim 4 has been rewritten in independent form as claim 17. Claim 10 has been rewritten in independent form as claim 18. Claim 11 has been rewritten in independent form as claim 19. Claim 16 has been rewritten as claim 20.

Applicants have cancelled originally filed claims 4, 10, 11 and 16. New claims 17-20 have been added to better encompass the full scope of and breadth of the invention notwithstanding Applicant's belief that the claims would have been allowable as originally filed. Accordingly, Applicant asserts that no claims have been narrowed within the meaning of the *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and requests that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,



Diane Dunn McKay

Reg. No. 34,586

Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & GOULD

100 Thanet Circle, Suite 306

Princeton, NJ 08540

(609) 924-8555 - Telephone

(609) 924-3036 - Facsimile

MARKED UP COPY OF CLAIMS

2. (Amended) A device according to Claim [1] 17, wherein said first heating means is provided as an antenna element emitting microwaves and said second heating means comprises an electric lead resistance.

5. (Amended) A device according to Claim [1] 17, wherein said energy supply unit comprises a microwave generator for supply of microwave energy to said first heating means and a direct current or low frequency power source for supply of electric energy to said second heating means.

7. (Amended) A device according to Claim 5, wherein a first temperature sensor [(23, 23', 23'')] is provided for measuring of temperature in the prostatic tissue and a second temperature sensor is provided for measuring of temperature in the fluid reservoir, and wherein a central control unit operatively connected to said energy supply unit is provided for controlling the supply of microwave energy to said first heating means as a function of the temperature in the prostatic tissue and for controlling the supply of electric energy to said second heating means as a function of the temperature in the fluid reservoir.

8. (Amended) A device according to Claim [1] 17, wherein said energy supply unit is connected to said first heating means and to said second heating means via an electronic

unit, and wherein said electronic unit is provided for simultaneous supply of energy to the two heating means [(10; 29)].

9. (Amended) A device according to Claim [1] 17, wherein said energy supply unit is connected to said first heating means and to said second heating means via an electronic unit, and wherein said electronic unit is provided for non-simultaneous supply of energy to the two heating means [(10; 29)].

13. (Amended) A method according to Claim [12] 18, comprising supply of microwave energy to said first heating means simultaneously with supply of electric energy to said second heating means.

15. (Amended) A method according to Claim [12] 18, comprising supply of microwave energy to said first heating means non-concurrently with supply of electric energy to said second heating means.